

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

BABCOCK BORSIG POWER GmbH,
Plaintiff,

v.

BABCOCK POWER INC.,
Defendant and Third-Party Plaintiff,

v.

BABCOCK BORSIG, AG
Third-Party Defendant.

C.A. No. 04 CV 10825-RWZ

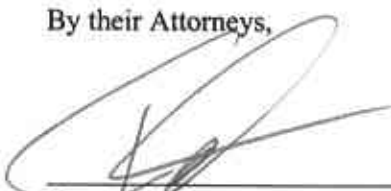
STIPULATION OF DISMISSAL WITH PREJUDICE

IT IS HEREBY STIPULATED AND AGREED among the parties, by their duly authorized counsel, that pursuant to Fed. R. Civ. P. 41(a)(1)(ii), the above entitled action, including all claims asserted therein, be and hereby is dismissed with prejudice, with each party bearing its own costs and attorneys' fees, and waiving all rights of appeal.

BABCOCK BORSIG POWER GmbH,
and BABCOCK BORSIG, AG

BABCOCK POWER INC.

By their Attorneys,



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